

REMARKS

Claims 21 – 40 were pending in the application. Claims 21 – 40 have been canceled.

Claims 41 - 60 have been added. Claims 41 – 60 remain pending in the application.

Claims 21 - 27, 29 and 31- 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mutalik et al. (U.S. 6,360,330) (hereinafter, “Mutalik”) in view of Ohran (U.S. 6,085,298). Claims 28 and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mutalik in view of Ohran and further in view of Kodama et al. (U.S. 6,542,962) (hereinafter, “Kodama”). Claims 30 and 40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mutalik in view of Ohran and further in view of Dunham et al. (U.S. 6,714,952) (hereinafter, “Dunham”). Applicants respectfully traverse these rejections. However, as Applicants have canceled Claims 21- 40, Applicant believes these rejections to be moot.

New independent claim 41 recites a combination of limitations, including, in pertinent part, a first computing system configured to **“initiate a backup operation of a set of data, and send a logical representation of a frozen image of the set of data to a second computing system, wherein the logical representation includes a first mapping of a portion of the frozen image to a first region of the first storage medium”** and a second computing system configured to **“complete the backup operation using the frozen image, wherein said completing includes, prior to backing up data of the portion of the frozen image, determining whether the first mapping of the portion of the frozen image remains valid; and in response to determining that the mapping is no longer valid, obtaining an updated**

mapping of the portion of the frozen image and accessing data of the portion of the frozen image from the first storage medium using the updated mapping". Support for these limitations is found at least on page 10, lines 10 – 16; and page 11, lines 1 – page 12, line 14 of the present application. Applicant can find no teaching or suggestion of this combination of limitations in the art cited by the Examiner, and therefore believes claim 41 to be allowable. New independent claims 48 and 55 also include a combination of limitations using similar language, and are therefore also believed to be allowable. As the remaining claims 42 – 47, 49 – 54 and 56 - 60 depend upon the independent claims 41, 48 or 55, the remaining claims are also believed to be allowable.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-16800/BNK.

Respectfully submitted,



B. Noël Kivlin
Reg. No. 33,929
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

Date: 8-2-05